

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

February 16, 2021

Chief Judge Diane S. Sykes

Nos. 07-21-90007

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who presided in his pro se lawsuit. He alleges that the judge permitted a magistrate judge to assume jurisdiction over parts of his case without the consent of both parties.

The docket shows otherwise: the magistrate judge never took any action exceeding the jurisdiction conferred upon him by 28 U.S.C. § 636(b)(1)(A) (delegating certain pretrial matters to magistrate judges regardless of party consent). *See also* R. 111 (minute order denying complainant's inquiry into the magistrate judge's jurisdiction). Complainant's allegations are thus refuted by objective evidence—the docket entries and the governing statutes. *See* 28 U.S.C. § 352(b)(1)(B). Moreover, the allegations relate to the merits of the case. Merits-related allegations are not a proper subject of a misconduct complaint. *Id.* § 352(b)(1)(A)(ii).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (b)(1)(B).